

ATTACHMENT A
Remarks

Claims 60-115 are pending in the present application. By this Amendment, Applicant has canceled claims 1-59, and added new claims 60-115. Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

Claims 46 and 56 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. By this Amendment, Applicant has canceled claim 46 and rewritten it as new claim 102, which Applicant respectfully submits is in full compliance with the requirements of 35 U.S.C. § 112, first paragraph. Further, by this Amendment, Applicant has canceled claim 56, thereby rendering the rejection to this claim now moot.

Claims 1, 31, 35 and 40 were rejected under 35 U.S.C. § 112, second paragraph. By this Amendment, Applicant has canceled the claims, and added new claims, which Applicant respectfully submits are in compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Claims 1-22, 33-40, 42, 46-54, 58 and 59 were rejected under 35 U.S.C. § 101, alleging that the claimed invention was directed to non-statutory subject matter. By this Amendment, Applicant has canceled the aforementioned claims and added new claims to more clearly recite the present invention, which Applicant respectfully submits are in full compliance with the requirements of 35 U.S.C. § 101.

Claims 1-8, 12, 14, 16, 18, 21-23, 26, 35, 38, 40, 45, 53 and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ferrer et al. (U.S. Patent Application Publication No. 2002/0032628) (hereinafter "Ferrer") and claims 9, 10, 13, 15, 17, 20,

24, 25, 27-34, 36, 37, 39, 41-44, 52, 54 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferrer in view of Schulze, Jr. (U.S. Patent No. 6,497,360) (hereinafter "Schulze")

In order to more clearly recite Applicant's invention, by this Amendment, Applicant has canceled all pending claims, and added new claims 60-115, which Applicant respectfully submits further distinguish the present invention over the prior art of record. The present application now includes claims which more clearly recite one novel feature of the present invention, namely an intelligent interface in communication with a point of sale terminal which is capable of intercepting electronic data. Further, the present application now includes claims directed to a system or a method, specifying that the interface includes an input and a first output in communication with at least one peripheral device. The interface is capable of interrupting data transmitted between a point of sale terminal and the at least one peripheral device to adjust and/or compile at least part of the data. The adjusted and/or compiled data is transmitted to the at least one peripheral device via the interface. A first processing station is in communication with the interface which receives data intercepted from the data stream.

It is respectfully submitted that, upon a review of claims 60-115, it will be apparent that the present invention is distinguishable over the cited art of record. The claims are directed to an interface capable of interrupting data transmitted between a point of sale terminal and at least one peripheral device to adjust and/or compile at least a part of the data so that the adjusted and/or compiled data is transmitted to at least one peripheral device via the interface. In order to further illuminate distinctions between the presently claimed invention and the cited art, the following analysis is provided.

FERRER

Ferrer discloses an interface configured to provide flexible and real-time communications between financial transaction systems and financial administration systems, retailer administration systems, and the like. The use of the interface allows 'legacy' hardware to communicate in real-time to financial and/or retail administration networks in situations where otherwise incompatible data formats or an intrinsic inability to communicate with networks and such systems would be the case. Applications of the Ferrer interface include monitoring customer loyalty transactions, actualizing real-time electronic fund transfer point of sale and electronic point of sale transactions, including credit and debit types.

A financial transaction is carried out at a first remote location using a first financial transaction means, followed by translation of data and related information derived from the financial transaction into a form which is both suitable for transmission and which is intelligible to one or more second financial transaction means. The translation of the data and related information is predicated on a knowledge of the characteristics and mode of operation of the first transaction means.

The first transaction device may produce and/or record data which cannot be read directly by, and/or communicated to, the one or more second transaction means.

The second transaction means is preferably a device associated with any one or more of the following: financial institution, administrative institution, IT service provider, database, inventory and management system, and the like. The aforementioned parties are optionally able to exchange data between themselves.

The second transaction means may be a server located at a corresponding financial institution, service provider or the like. The interface means may be updatable remotely by means of commands sent from the second transaction means. In a further aspect, Ferrer provides for an interface means which is adapted to be configurable in such a way as to allow communication of data between a first financial transaction means and one or more second financial transaction means, where the first transaction means is either fully or partially unable to communicate with or produce data which is intelligible to the second transaction means.

It is respectfully submitted that the arrangement described in Ferrer is quite different from the present system, as now claimed. Although the Examiner has identified individual components or features of the present invention in Ferrer, there is no disclosure of the combination now claimed. In other words, Ferrer fails to disclose the organization or interaction/arrangement of components, as now claimed.

Ferrer does not teach a system for collecting and/or adjusting and/or manipulating data from a data stream generated at a point of sale terminal which includes, in combination, a peripheral device and an interface in communication with the peripheral device which intercepts the data from the data stream via a processing station which adjusts and/or compiles at least a part of the data, which is then transmitted to the at least one peripheral device via the interface. Ferrer's second transaction means does not function as the claimed peripheral or interface, and neither the peripheral nor the interface recited in the present claims acts as a second transaction means of Ferrer. The second transaction means of Ferrer does not intercept data and/or manipulate data. Rather, the second transaction means of Ferrer

provides only a transmission of data from one transaction means to another.

Accordingly, Ferrer fails to teach the claimed peripheral or interface.

As noted, although the Examiner has identified individual components in Ferrer which are alleged to read on claimed components of the present invention, Ferrer fails to teach, in any way, the claimed arrangement and interaction of components with one another.

Schulze

Schulze discloses a method for handling coupons, which includes redeeming, at a first location, a plurality of input coupons, including at least first and second input coupons, during a first time interval, using a main computer system, including a first coupon input device. A plurality of verifying coupons are transported to a second location to an auxiliary computer system, including an auxiliary coupon input device. The coupons are verified as being the same as the input coupons when the redeeming step is properly conducted. Schulze is essentially directed to matching and redeeming coupons.

The verifying coupon information is input to the auxiliary coupon input device to determine whether a match exists between the verifying coupon information and a number of products identified when the plurality of input coupons are redeemed, generating non-match information related to at least one non-match between the input coupon information and the verifying coupon information, and reimbursing for at least some of the plurality of input coupons.

Schulze is concerned with redemption, and not with the periodic and controlled manipulation of data, as a data stream travels from a point of sale terminal on its way to

a peripheral device. This disclosure has a different objective from that now claimed in the application, i.e. redemption, rather than interception and manipulation. Accordingly, one of ordinary skill in the art, based on Schulze, would not in any way be led to combine its disclosure with Ferrer to arrive at the presently claimed invention.

Based on the foregoing, Applicant respectfully submits that the present invention is not anticipated by Ferrer, individually, or obvious from Ferrer, in view of Schulze.

In view of the foregoing, Applicant respectfully submits that the present invention is in condition for allowance.

END REMARKS